

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL KEVIN DuPONT, *
PETITIONER *

V.

DAVID NO'LAN,
Respondent *

* No. 04 -

FILED
IN CLERKS OFFICE

2004 JUN 17 P 12:12
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U.S. DISTRICT COURT
DISTRICT OF MASS.

04-11431 GAO

PETITIONER'S MOTION FOR ASSIGNMENT
OF COUNSEL TO EXPEDITE BAIL RELEASE
AND FOR NECESSARY EVIDENTIARY HEARING


Now comes the Fully exhausted PETITIONER, and to expedite A DRETKE V HALEY, 2004 U.S. Lexis 3235 (5/3/04) bail release hearing, and conduct the necessary evidentiary hearing in this Eighteen Ground case, moves Hon. Judge REGINALD C. LINDSAY to assign C.J.A. counsel to represent PETITIONER pursuant to Habeas Rule 8(c) and 18 U.S.C. §§ 3006A(b)(2), 3006A(d)(1)(3) without limitation for counsel billing in this complex case
-1 of 2 - (See other side ->

OL/PETITIONER DRAFTED Two Fully exhausted other habeas petitions in a row for which Judge PATRICK SARRIS assigned counsel, DI TORO V GUARINO, 03-12462-MBS (DE#16 3/25/04 Collins, NJ), and Judge GERTNER also assigned counsel, GARREY V HALL, 03-10562-NG (DE#16 (Bowler, NJ 7/18/03) so this court can take PETITIONER'S WORK,

BECAUSE AN EVIDENTIARY HEARING IS NECESSARY, PHOENIX V MATESANZ, 189 F3d 20 (1st Cir 1999); WILLIAMS V TAYLOR, 529 US 420, 437 (2000); MATES V COYLE, 171 F3d 408, 422-429 (6th Cir 1999) Rule 8(c) counsel must be assigned, LIEBMAN FEDERAL HABES CORPUS PRACTICE AND PROCEDURE §12.3 (4th Edition 2001) AND Judge Lindsay would be REVERSED IF he denied counsel, ALFORD V UNITED STATES, 709 F2d 418, 423 (1st Cir 1983); UNITED STATES V TASTEL, 166 F3d 212, 213 n.3 (3rd Cir 1999); RONEY V UNITED STATES, 205 F3d 1061, 1062-1063 (8th Cir 2000); SWAZO V WARDEN, 23 F3d 332, 333-334 (10th Cir 1994).

THIS CASE INVOLVES DENIAL OF COUNSEL WITHOUT A WAIVER OF COUNSEL, COMBINED WITH A STATE PRISON STRIP-CELL COERCED GUILTY PLEA CONTRACT NEGOTIATED BY AND BREACHED BY JUDGE ZICKEL, WITH IMPOSITION OF AGGRAVATED PUNISHMENT ON AN ELEMENT PETITIONER WAS NOT INDICTED FOR, AND HAD NO NOTICE OF. THE IOWA V TOVAA, 124 S.Ct. 1379 (2004) VIOLATIVE 12/13/99 PLEA TRANSCRIPT AND CERTIORARI PETITIONS ARE ATTACHED TO VERIFY ENTITLEMENT FOR IMMEDIATE RELEASE.

JUNE 18, 2004

Respectfully Requested,


-202 Michael Kevin DeMatose